

COMMITTEE ON APPROPRIATIONS
Subcommittee on Defense
Subcommittee on Transportation, HUD,
and Related Agencies
Subcommittee on Agriculture,
Rural Development,
FDA and Related Agencies
COMMITTEE ON THE BUDGET
DEMOCRATIC STEERING AND POLICY



MARCY KAPTUR
9TH DISTRICT, OHIO

WASHINGTON, D.C. OFFICE

2186 Rayburn Building
Washington, DC 20515-3509
(202) 225-4146
Fax: (202) 225-7711

OHIO OFFICE

One Maritime Plaza
6th Floor
Toledo, OH 43604-1853
(419) 259-7500
(800) 964-4699
Fax: (419) 255-9623

<http://kaptur.house.gov>

July 16, 2010

Chairman Julius Genachowski
Federal Communications Commission
445 12th St SW
Washington, DC 20554

Dear Chairman Genachowski:

A cable television company in my Congressional district has made me aware of two recent Media Bureau decisions that will negatively affect constituents who are customers of Buckeye Cablevision, Inc. Buckeye has been ordered to discontinue carriage of two Detroit, Michigan, television stations it has carried on its cable system since it began operating in the mid-1960's. Both of these stations, WXYZ and WJBK, have been available to Toledo residents on cable and over-the-air reception. In fact, the residents of Toledo first began receiving broadcast television from Detroit during the 1940's as Toledo did not then have any television stations of its own.

Two Toledo television stations (WTVG, owned by ABC-Disney, and WUPW, the Fox affiliate owned by LIN TV Corp.) separately petitioned the FCC to require that Buckeye remove the Detroit stations' network programming. The Media Bureau approved the petitions over the objections of Buckeye and WXYZ in the ABC case. Buckeye submitted requests to stay those orders and has submitted applications for review of the orders by the full Commission.

It would appear that the ultimate purpose of the ABC-Disney and LIN actions was to obtain leverage in demanding sharply increased retransmission consent fees by removing broadcast competition from the cable television system. Those increased fees ultimately will be borne by my constituents. In this case, I am told that modifying the Buckeye system to comply with the orders will cost approximately \$4 million that will be passed along to customers either in higher bills or delayed infrastructure upgrades planned to increase broadband speeds.

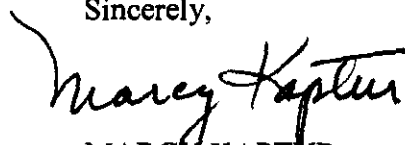
MB
PRM decisions
PV
JS
12/13

Chairman Julius Genachowski
Federal Communications Commission
July 16, 1010

Page Two

I would appreciate your review of the two Media Bureau decisions noted above in accordance with Commission policies and procedures. Inasmuch as those decisions involve an application of the Commission's rules that is undermining the Commission's policies and harming consumers, I am hopeful the Commission will act to protect consumers, stay those decisions, and also review them in the context of your Retransmission Consent proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Kaptur". The signature is fluid and cursive, with the first name "Marc" and last name "Kaptur" clearly distinguishable.

MARC KAPTUR
U.S. Representative



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 7, 2010

The Honorable Marcy Kaptur
U.S. House of Representatives
2186 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Kaptur:

Thank you for your letter regarding proceedings related to the carriage of stations WXYZ-DT and WJBK-DT in Michigan and Ohio. I appreciate your letting us know of your concerns and have asked the Chief of the Media Bureau's Office of Communications and Industry Information to reply to your letter. His response is attached.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Julius Genachowski

Enclosure



Federal Communications Commission
Washington, D.C. 20554

October 7, 2010

IN REPLY REFER TO:
CN-1001273

The Honorable Marcy Kaptur
U.S. House of Representatives
2186 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Kaptur:

Thank you for your recent letter regarding two Federal Communications Commission proceedings related to the carriage of stations WXYZ-DT and WJBK-DT on the Buckeye Cablevision, Inc. system serving communities in Michigan and Ohio. I appreciate the opportunity to update you concerning the status of this matter. Your correspondence will be provided to the parties and made part of the record in the proceedings, including the ongoing review of our retransmission consent policies and regulations.

In the proceedings in question, WTVG-DT and WUPW-DT -- both licensed to Toledo, Ohio -- filed separate petitions seeking a waiver of the regulations that preclude cable television system operators from deleting the duplicate network programming of "significantly viewed" stations pursuant to the Commission's network program nonduplication rules. After carefully reviewing the submitted filings and related data, the Commission's Media Bureau determined that viewership for both WXYZ and WJBK fell significantly below the minimum criteria defined in the Commission's rules (2 percent share of total weekly viewing hours and a 5 percent net weekly circulation share for independent stations; 3 percent share of total weekly viewing hours and a 25 percent net weekly circulation share for network affiliates) necessary to be deemed significantly viewed in Toledo. Therefore, on March 17, 2010, the Bureau adopted decisions granting the WUPW and WTVG waiver requests.

Buckeye Cablevision filed petitions for stay and applications for review requesting that the Bureau's decisions be examined by the full Commission. WUPW and WTVG filed oppositions. On August 27, 2010, the Bureau issued an *Order* denying the stay requests. The Bureau staff currently is evaluating the applications for review. Once the staff has completed this review, the Bureau will draft recommended decisions for consideration by the full Commission. Please be assured that your views will be considered carefully as these proceedings move forward.

Page 2—The Honorable Marcy Kaptur

I hope that this information is helpful and please do not hesitate to contact me if I may be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael S. Perko". The signature is fluid and cursive, with the first name "Michael" being more legible than the last name "Perko".

Michael S. Perko

Chief, Office of Communications and Industry Information
Media Bureau